



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466**

**September 23, 2003**

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sublette County Commissioners  
c/o William W. Cramer, Chair  
P.O. Box 250  
Pinedale, WY 82941

Re: Notice of Safe Drinking Water  
Act Enforcement Action against  
Boulder Store/Gas Station  
PWS #5600981

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Boulder Store/Gas Station, Boulder, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of 40 C.F.R. §§ 141.63(a)(2), 141.21, 141.21(b)(5), 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) for: bacteriological maximum contaminant level (MCL) violations; failure to perform routine monitoring for bacteriological quality; failure to perform repeat monitoring for bacteriological quality; failure to provide public notice of the violations; and failure to report SDWA and total coliform violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader at (303) 312-6467.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 300  
DENVER, COLORADO 80202-2466  
<http://www.epa.gov/region08>

September 23, 2003

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Boulder Store/Gas Station  
c/o Donna Steele  
Box 25  
Boulder, Wyoming 82923

Re: Administrative Order  
Docket No. **SDWA-08-2003-0061**  
Boulder Store/Gas Station  
PWS ID #5600981

Dear Ms. Steele:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Boulder Store/Gas Station is a public water supplier as defined by the SDWA and that you have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR §§ 141.63(a)(2), 141.21, 141.21(b)(5), 141.201, 141.21(g)(1), 141.21(g)(2), and 141.31(b) for: bacteriological maximum contaminant level (MCL) violations; failure to perform routine monitoring for bacteriological quality; failure to perform repeat monitoring for bacteriological quality; failure to provide public notice of the violations; and failure to report SDWA and total coliform violations to EPA.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on



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regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Olive Hofstader at the address on the letterhead, include the mailcode 8ENF-T, or you may call Ms. Hofstader at (800) 227-8917, extension 6467, or (303) 312-6467. If you wish to have an informal conference with EPA, you may also call or write Ms. Hofstader. If you are represented by an attorney or have legal questions, please call Brenda Morris at the above 800 number, extension 6891, or at (303) 312-6891.

We urge your prompt attention to this matter.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA

cc: Larry Robinson, WY DEQ  
Dr. Karl Musgrave, WDH



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

IN THE MATTER OF	)	
	)	
Donna Steele	)	
Boulder Store/Gas Station	)	
Boulder, Wyoming	)	
	)	
Respondent	)	
	)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g)	)	
of the Safe Drinking Water Act,	)	
42 U.S.C. § 300g-3(g)	)	Docket No. <b>SDWA-08-2003-0061</b>
	)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Donna Steele (Respondent) is an individual and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Boulder Store/Gas Station Water System (the "System"), located in Sublette County, Wyoming for the provision to the public of piped water for human consumption.



3. Boulder Store/Gas Station Water System regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a May 29, 2001 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one well. The system serves approximately 25 persons per day through 8 service connections, and is operational year-round.

#### FINDINGS OF VIOLATION

##### I.

1. 40 C.F.R. § 141.21 requires non-community public water systems to monitor the water at least once per quarter



to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month. Under that section, no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system for July 2001 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

## II.

1. 40 C.F.R. § 141.21 requires non-community public water systems to monitor the System's water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the 2<sup>nd</sup> (April-June) quarter in 2000 and the 3<sup>rd</sup> (July-



September) quarter in 2002, in violation of 40 C.F.R. § 141.21(a) .

III.

1. 40 C.F.R. § 141.21(b) (5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in August 2001, after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b) (5) .

IV.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has provided public notice of the MCL violation detailed in the preceding Section I.





However, Respondent has not provided public notice of the violations detailed in the preceding Sections II and III, in violation of 40 C.F.R. § 141.201.

V.

1. 40 C.F.R. § 141.21(g) (1) requires public water systems that have exceeded the MCL for total coliforms under 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after learning of the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section I above, in violation of 40 C.F.R. § 141.21(g) (1) .

VI.

1. 40 C.F.R. § 141.21(g) (2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections II and III above, in violation of 40 C.F.R. § 141.21(g) (2) .



VII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section IV above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21 to perform quarterly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
2. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). If Respondent's water system has one or more total coliform positive samples in a



month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

3. If the system has a total coliform MCL violation within twelve months of the effective date of this Order, Respondent shall submit detailed plans to EPA for bringing Respondent's public water system into consistent compliance with the total coliform MCL at 40 C.F.R. § 141.63. The plans shall include proposed system or operational modifications and a schedule for implementing the approved plan. The schedule shall include specific milestone dates and a final compliance date. The plans must be approved by EPA before implementation can commence.
4. The schedule for construction and completion of modifications will be incorporated into the Order upon written approval by EPA.
5. Respondent shall complete system or operational modifications to its system no later than six months after EPA approves the plan.



6. No later than thirty days from the effective date of this Order, Respondent must provide public notice of the violations specified under the Findings of Violation in Sections II and III, in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the



public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after it learns of the violation.
8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
9. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
10. Reporting requirements specified in this Order shall be provided by certified mail to:

Olive Hofstader  
U. S. EPA Region 8 (8ENF-T)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466



GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under Section 1414(g) (3) (A) of the Act, 42 U.S.C. § 300g-3(g) (3) (A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g) (3) (B) of the Act, 42 U.S.C. § 300g-3(g) (3) (B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).



4. The effective date of this Order shall be the date of  
issuance of this Order.

Issued this 23RD day of September, 2003.

**Michael T. Risner**

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

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**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE  
REGIONAL HEARING CLERK.

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON SEPTEMBER 23,  
2003.

